

TROUTMAN SANDERS LLP

MEMORANDUM

TO: Don Sampson and Judi Johansen
CC: Rob Lothrop, Alex Smith, Gary Sims, Sarah Laskin
FROM: Tom Jensen
RE: Results of Tribal-Federal Consultation in Lewiston
DATE: March 23, 2000

The attached memo records the commitments made by Tribal and Federal representatives during the meeting. This is a final version that reflects comments submitted by Alex Smith and Rob Lothrop.

Again, thank you for your help.

Tribal - Federal Consultation March 14, 2000 - Lewiston, Idaho

Meeting Results - Final Version

Introduction

The Tribal and Federal agency representatives and staff listed on the attached attendance sheet (Attachment 1) met on Tuesday, March 14th in Lewiston, Idaho. The attendees agreed to follow the attached agenda (Attachment 2). The attendees discussed all items on the agenda. The nature of the discussions is beyond the scope of this document, which records only the agreements reached between the Tribal and Federal agency representatives at this meeting.

Salmon Rebuilding and Recovery

1. As a matter of guiding principle, Federal salmon recovery and rebuilding efforts should achieve abundant, harvestable fish population goals within a set timetable.
2. Federal agencies and the Tribes will work together to reach agreement on aggressive and scientifically sound rebuilding goals and timetables. Toward that end, rebuilding goals and timetables proposed by the Tribes will be evaluated through the rebuilding model used in NMFS' CRI process. *Will Stelle, Rob Lothrop, and Fred Olney will take responsibility for this task.*
3. The Tribes and Federal agencies jointly will approach the Northwest Power Planning Council staff to seek the Council's support for inclusion of the results of Tribal-Federal rebuilding goals and timetables into the Council's program amendment process. The Tribes and Federal agencies may decide jointly to ask for delay in the Council's process, if delay is clearly needed to ensure incorporation of those results into the Council's process. *Judi Johansen will take the lead in contacting NPPC staff, and will coordinate with Don Sampson.*
4. The Federal agencies offered to amend the All-H after it is released, if needed to accommodate Tribal-Federal rebuilding goals and timetables.

Secure Treaty Fisheries

The Tribes and Federal agencies will establish a staff working group to discuss inclusion of Tribal fisheries in the environmental baseline and establishment of a multi-year harvest agreement. *Rob Lothrop and Will Stelle have responsibility for establishment of the group, which is expected to include Donna Darm, Howard Arnett, and representatives of other Federal agencies, including BPA and the Department of Justice.*

Hydropower

1. The Federal agencies, led by the Corps of Engineers, agreed to increase consultation with the Tribes regarding the Corps' capital expenditures. *Rob Lothrop will propose a specific structure for the discussions, including identification of a facilitator.*
2. The Federal agencies agreed to ensure that the "Hydro Caucus" consults directly and in a timely way with the Tribes. The Agencies and Tribes agreed that this process is particularly important in light of significant Federal agency actions to secure additional flows in the Columbia and Snake. *Judi Johansen is responsible for contacting the Hydro Caucus.*

Hatcheries

1. The Federal agencies agreed in principle to support transfer of certain hatcheries to the Tribes. The Tribes identified the Umatilla, Kooskia, Klickitat, Dworshak, Clearwater, and Lookingglass hatcheries as possible candidates for transfer. *Judi Johansen agreed to work with the Tribes and the State of Oregon with respect to the Umatilla Hatchery.*
2. The Tribes and Federal agencies agreed to have a core group of technical and policy representatives, including a subset of the group led by Roy Sampsel and representatives of NMFS, BPA, FWS and the NPPC, review the Tribes' artificial propagation proposal with a view toward implementation of its concepts. *Rob Lothrop and Fred Olney have responsibility to implement this agreement.*

Habitat

1. The Federal agencies and Tribes agreed to continue the staff process recently begun involving Jim Weber, Mike Crouse, and Elizabeth Gaar.
2. The Federal agencies and Tribes agreed jointly to review the results of habitat feasibility studies being conducted by Dr. Bilby, and to expand their joint review to consider additional factors bearing on feasibility. *Will Stelle and Jim Weber have responsibility to implement this agreement.*

Additional meetings

The Tribes and Federal agencies agreed to hold open the date of April 3rd for a possible regional level policy meeting to follow-up to this meeting. A leaders meeting is expected to be held April 18th in Washington. Other meetings, including coordination meetings led by Rob Lothrop and Alex Smith and those meetings required to implement the agreements recorded here, will continue as needed.

Attachment 1

TRIBAL FEDERAL CONSULTATION ATTENDANCE

Lewiston, Idaho - March 14, 2000

| Name | Title/Organization | Phone # |
|--------------------|--|----------------------|
| Tom Jensen | Attorney, Troutman Sanders | (202) 274-2945 |
| Don Sampson | Executive Director, CRITFC | (503) 238-0667 |
| Si Whitman | NezPerce Tribe Fisheries | (208) 843-7321 |
| Rob Lothrop | CRITFC | (503) 2380667 |
| Elmer Crow, Jr. | NPF&W | (208) 843-7144 |
| Elliott Moffett | Superintendent, Northern ID Agency - BIA | |
| Dan Opalski | EPA | (503) 230-3250 |
| Alex Smith | BPA | (503) 230-5136 |
| Philip Key | BPA-OGC | (503) 230-5299 |
| Ron McKown | Reclamation | (208) 378-5095 |
| Ken Pedde | Reclamation | (208) 378-5012 |
| Keith Hatch | BIA | (503) 872-2876 |
| Ric Ilgenfritz | NMFS | (206) 526-4646 |
| Mike Crouse | BLM | (503) 952-6525 |
| Peter Coppelman | DOJ/ENRD | (202) 514-2701 |
| Fred Olney | USFWS | (503) 872-2761 |
| Laura Daniel-Davis | DOI/Dep. Sec. | (202) 208-6291 |
| Judi Johansen | BPA | (503) 230-5102 |
| William Stelle | NMFS | (206) 526-6150 |
| Carl Strock | Corps of Engineers, NWD | (503) 808-3700 |
| Olney Patt, Jr. | CTWSRO | (541) 553-3257 |
| Duane G. Clark | Yakama Nation | (509) 865-5121 x4329 |

| Name | Title/Organization | Phone # |
|-------------------|--------------------------------------|----------------|
| Jay Minthorn | Umatilla Tribe | (541) 276-3165 |
| Vic Holt, Jr. | NezPerce | (208) 843-2253 |
| Doug Dompier | CRITFC..... | (503) 231-1292 |
| Claude Smith, Sr. | WS | (541) 553-3257 |
| Jim Weber | CRITFC..... | (503) 238-0667 |
| Rick Eichstaedt | NezPerce Tribe Water Resources | (208) 843-7368 |
| Greg Haller | NezPerce Tribe Water Resources | (208) 843-7368 |
| Bob Heinith | CRITFC..... | (503) 238-0667 |
| Paul Lumby | CRITFC..... | (503) 731-1252 |
| Carl Merkle | Umatilla Tribe | (541) 276-3449 |
| Charles Hudson | CRITFC..... | (503) 731-1257 |
| Jeremy Fivecrows | CRITFC..... | (503) 731-1275 |
| Lynda Walker | Corps of Engineers, NWP..... | (503) 808-3715 |
| Elizabeth Gaar | NMFS..... | (503) 230-5434 |
| Herbert Jackson | NPF&W | (208) 843-2301 |
| Connie Schrinier | Corps of Engineers, NWW | (509) 527-7110 |
| Lynda Nutt | Corps of Engineers, NWW | (509) 527-7135 |
| Gary Sims | NMFS..... | (503) 230-5438 |

Attachment 2

Agenda

Tribal-Federal Discussions - March 14, 2000
Lewiston, Idaho

Item 1. Greeting and Blessing

Item 2. Approval of Agenda

Item 3. Discussion of CRITFC Tribes' Desired Commitments from Federal Agencies

- a. Recovery and rebuilding commitment, numeric goal and deadline
- b. Specific commitments regarding all 4 Hs
- c. Secure treaty fisheries in interim
- d. Enforceability

Item 4. Discussion of CRITFC Tribes' Desired Immediate Actions

- a. Hydropower
 - Decision pathway to breaching
- b. Hatcheries
 - 1. Federal artificial propagation policies
 - 2. Hatchery transfers
- c. Habitat
 - Watershed restoration
- d. Harvest
 - Fisheries commitment
- e. Collaborative science
 - Recommitment to collaboration

Item 5. Discussions of future meetings

Item 6. Adjournment